

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ASHFAQ HUSSAIN SYED, SHELLY RENEE)
BRANCH, A.M.S., by Next Friend Ashfaq)
Hussain Syed, and N.G.S., by Next Friend)
Ashfaq Hussain Syed,)

Plaintiffs,)

v.)

FRONTIER AIR LINES, INC.; HALLMARK)
AVIATION SERVICES, L.P.)

Defendants.)
_____)

Case No. 4:20-cv-407-AGF

**HALLMARK AVIATION SERVICES, L.P.'S STATEMENT OF NON-
OPPOSITION TO PLAINTIFFS' MOTION FOR EXTENSION OF TIME**

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 4.01(B), Defendant HALLMARK AVIATION SERVICES, L.P. ("Hallmark"), by its undersigned counsel, hereby states its non-opposition to Plaintiffs' Motion for Extension of Time to File Their Memorandum in Opposition to Hallmark's Motion to Dismiss and Strike. (*See* Doc. 13.)

In their Motion for Extension of Time, filed on March 23, 2020, Plaintiffs requested an additional three weeks to respond to Hallmark's Motion to Dismiss and Strike. (Doc. 13 at 2.) Hallmark does not oppose the three-week extension. Plaintiffs made no attempt to meet and confer with Hallmark regarding this matter. Had they done so, Hallmark would have agreed to the extension, and the request could have been properly filed as unopposed.

Moreover, Plaintiffs' statements regarding Hallmark's Notice of Removal are not only entirely irrelevant to their motion for an extension but are inaccurate. Plaintiffs have no basis

to state that “Hallmark has not submitted additional ‘supporting authority or evidence’ regarding the amount in controversy.” (Doc. 13 at 2.) Indeed, Hallmark provided ample evidence of Plaintiffs’ own valuation of their claimed damages, including a settlement demand and stipulation, as a basis for meeting the threshold amount in controversy. (See Doc. 1.) As indicated by Hallmark in its Notice of Removal, in the Eighth Circuit, “the amount in controversy is measured by the value to the plaintiff of the right sought to be enforced.” *Federated Mut. Ins. Co. v. Moody Station & Grocery*, 821 F.3d 973, 977 (8th Cir. 2016) (quoting *Schubert v. Auto Owners Ins. Co.*, 649 F.3d 817, 821 (8th Cir. 2011)).

It must be noted that Plaintiffs have not filed a motion to remand this case, and in fact explicitly admit in their motion for a continuance that they “believe their damages exceed the threshold.” (Doc. 13 at 1.)

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed on this 25th day of MARCH, 2020, the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I hereby certify that the foregoing document has been electronically mailed to the following
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